



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.1310 of 2020

and

W.M.P. (MD) No.1060 of 2020

WEB COPY

S.A.H.Mubarak Hussain

... Petitioner

/vs./

1.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Revenue Department,
Chepauk, Chennai.

2.The District Collector,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the second respondent to promote the petitioner as Deputy Tahsildar with effect from the date on which his immediate junior was promoted by including the name in the panel of the Deputy Tahsildar for the year 2011 issued by the second respondent vide his proceedings R.C.No.A1/28960/2011 dated 21.04.2012 along with consequential seniority and monetary benefits in conformity with the Clause 19 of II, Schedule XI read with Section 7(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 within the period as may be directed by this Court.

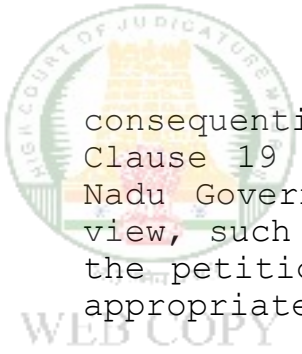
For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.R.Sethuraman
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the second respondent to promote the petitioner as Deputy Tahsildar with effect from the date on which his immediate junior was promoted by including the name in the panel of the Deputy Tahsildar for the year 2011 issued by the second respondent vide his proceedings R.C.No.A1/28960/2011 dated 21.04.2012 along with



consequential seniority and monetary benefits in conformity with the Clause 19 of II, Schedule XI read with Section 7(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 02.12.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation, dated 02.12.2019, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the second respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cp

To:

1.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Revenue Department,
Chepauk, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Collector,
Sivagangai District,
Sivagangai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2681[F] dated
23/01/2020)

+1 CC to SPL GP (SR-2890[F] dated 24/01/2020)

Order made in
W.P. (MD) No.1310 of 2020
23.01.2020

VB (06.02.2020) 3P 5C